

QUESTION DRAWER

SUBSCRIBERS only are entitled to opinions through the paper on all questions submitted if they pertain to municipal matters. Write each question on a separate paper on one side only. When submitting questions, state as briefly as possible all the facts, as many received do not contain sufficient information to enable us to give a satisfactory answer.—Ed.

J. H.—A butcher who lives in Amherstburg, but uses a slaughter house in Malden township, put a number of sheep in the house over night for the purpose of slaughtering them next day. That night unknown dogs killed the sheep. Is the butcher entitled to the two-third value of his sheep from Malden township?

Yes. See sec. 18, of chap. 214, R.S.O.

A lives in ward No. 1, B in ward [No. 2, C in ward No. 3. B proposes A for a councillor for ward No. 1, and C seconded the motion. Neither B nor C had any property qualification in ward No. 1, and were not on the voters' list for that ward. Can a voter nominate a person for whom he has no vote?

Yes.

W. B. S.—An assessor, in making his roll, assesses a ratepayer for a dog. In the interval between the assessment and the Court of Revision the person concludes to kill the dog. Has the Court of Revision any right by statute on the appeal of the party assessed to strike off the dog? As the Act reads, the court can only deal with the errors or omissions in the assessment roll. My contention is that they have no right to strike the dog off, as it is neither an error or omission on the part of the assessor, and that the person should be held responsible for the rate on the dog. A great many persons will kill one dog, and then get another when the Court of Revision is over.

We think that the Court of Revision can properly consider the complaint of a ratepayer who has killed his dog after assessment. To provide for the collection of tax on dogs brought into the municipality after assessment is made, a by-law may be passed, under the authority of section 489, sub-section 15, Municipal Act.

M. E.—Our municipality is not divided into wards, is divided into polling subdivisions. If elections for school trustees are ordered to be held (by the trustees) in the manner of elections of municipal councillors. 1. Can the nomination of school trustees be legally held at the annual school meeting? 2. When and where should such nominations take place? 3. Can a clerk of a municipality legally fill the position of deputy-returning officer in a municipality divided into polling subdivisions or wards?

1. No.

2. At the same time and place as the municipal nominations. See section 103, sub-section 3, Public Schools Act.

3. Yes.

J. H. L.—Has the mayor, being an ex-officio member of the different committees, a vote at the said committees' respective meetings?

Yes.

W. H. M.—After nomination held and parties resign, not leaving sufficient number, can the gaps be filled up without holding another nomination?

No. See section 184, Consolidated Municipal Act.

OFFICE SEEKER.—Can the township clerk legally obtain the office of assessor from the township council? i. e. Is a township clerk eligible for the office of assessor in the township of which he is clerk?

No. See declaration required by section 271, Consolidated Municipal Act.

AN ELECTOR.—Is it legal for a returning officer at a municipal election to run it without a poll clerk or scrutineers?

Yes.

INQUIRER.—When a councillor resigns, after being elected, what course should be pursued to fill his place, or is it legal for council to proceed without it?

Sections 181 and 184 of the Consolidated Municipal Act provide for new election. The council may organize and proceed with business, provided a quorum of the council, as legally constituted, is present. See section 184.

T. W. T.—1. Is there any particular time wherein members elected as councillors and reeve in a township municipality should take declaration of office?

2. Is it necessary for persons re-elected to take said declaration?

3. Is a treasurer of a School Board within a township municipality disqualified from acting as councillor?

4. Is there any law by which the corporation of a township municipality can force a School Board within said municipality to accept as their treasurer the treasurer of the said municipality?

1. Yes; within twenty days. See section 277, Consolidated Municipal Act.

2. Yes.

3. No.

4. No.

C. P.—The secretary-treasurer of a school section requires a member of a council to bring him the amount of money raised for said section for school purposes, sending his receipt therefor. The municipal treasurer refused to send the money unless an order, signed by two trustees and receipted by secretary-treasurer was given. Who is correct, secretary treasurer or municipal treasurer? See section 125, page 2421, C. S., 1887, vol. 2.

Too much care cannot be exercised in the disbursement of public money. The township treasurer was right in requiring an order under seal, signed by two trustees, before paying moneys on order of secretary-treasurer. The regulations of the Education Department provide that the legislative and municipal school grants in townships are to be paid by the township treasurer on the order of the board of trustees. The trustees order is more necessary in the case in question as the amounts annually raised on the requisition of school trustees in townships is always larger than the grants.

P. R.—In a union school section, composed of portions of two townships, the trustees asked for a certain amount to be raised by a levy on the whole section. The clerk of the township in which the school house was situated, found that the portion of the other township was entitled to raise by levy fifty dollars, but, by a mistake, notified the clerk of the latter township to raise by levy forty dollars, being ten dollars short of the amount said portion should contribute to the funds of the school.

1. Can the deficiency be collected along with the school rates of the said portion of the section for next year by notifying the clerk of the said township to make a levy for the amount?

2. Would such action require a by-law to be passed by the council of township in which the school house is situated?

3. If the above are not the proper steps to take can you suggest any way of collecting the said deficiency?

1. There is no objection to raising next year the amount omitted to be raised this year. We do not think that the clerk should decide the proportions to be paid by the different parts of a union school section, and to avoid dispute in the future, the assessors should equalize the sections, as provided in the Public School Act, and file a copy of their report with the clerk of each township. The trustees, in making their annual requisition should notify each township of the full amount to be raised. It is then the clerk's duty to raise in the union section in his township the proportion as shown by the assessors' award. The trustees should have no objection to the correction of an error such as that referred to by our correspondent.

2. In passing a by-law, levying trustees' rates for 1896, it would be as well to add the ten dollars in addition to amount actually required.

I. E.—Can the council of a town or village, after the tax has been paid in to the treasurer, remit or pay the amount back to aid a manufacturing firm without submitting a by-law to the ratepayers?

No. This would be tantamount to granting a bonus to the manufacturing firm which cannot now be done by a municipal corporation.

LAXTON.—Is the surety of a treasurer null and void because at first meeting, the council neglect to look into the suretyship of treasurer when all is right no deaths and no notice of resignation sent to the clerk or reeve?

No. If the sureties remain *compositis*, and the bond is regular in form.

LAXTON.—To disqualify a municipal councilman has it to be on the day of nomination or the first day of meeting after elected, and if disqualified for not being assessed at \$400, or \$800 for tenant and surety for treasurer or collector, would it have to be at nomination day or at any other time?

The election commences on nomination day and in order to qualify, the candidate must then possess the necessary qualifications, and be free of all the disabilities mentioned in the Municipal Act.

V. A. N.—About six years ago the corporation passed a by-law granting a bonus of \$4,500 and exemption of taxes to manufacturing firm. Debentures were issued after being duly passed by a vote of the ratepayers. The parties failed to carry out the conditions of contract and the mortgage was foreclosed. Subsequently the corporation sold said premises to another party for \$3,000—about four years ago. Now said party is about forming a joint stock company and wishes the corporation to cancel all former arrangements and to discharge mortgage on their paying \$1,000 cash. There is \$2,500 due on the mortgage. Can the corporation legally do this without submitting the same to the vote of the people?

No. The discharge of the mortgage would, in effect, be granting a bonus to the company, which cannot be done. A municipal corporation cannot now grant a bonus promoting any manufacture, and what it cannot do directly it will not be allowed to do indirectly.

J. S.—Is a village corporation liable for damages for taking down a hill in front of a village lot occupied by citizen? The taking down of hill left a bank in front of lot from three to four feet high. The front of lot is about fifty feet wide.